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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/132,470	05/03/93	JOHN M. BURGESS	10121-10492

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EXAMINER

ART UNIT	PAPER NUMBER
10121	10492

DATE MAILED:

05/03/93

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	08/952,715	Applicant(s)	MORIMATSU ET AL
Examiner	ARTHUR L. CORBIN	Group Art Unit	1761

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 3-9-98.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-10 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-10 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 3 Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 1761

1. The disclosure is objected to because of the following informalities: The specification is replete with spelling and grammatical errors, such as: "halves" (pages 2 and 3) should be "half"; "and/or.... oil" (page 3, lines 28-29) is unclear; and "lymph" (page 6, lines 2 and 7) is misspelled.

Appropriate correction is required.

2. Claims 1-3 and 7-10^{are} objected to because of the following informalities: In claim 1, line 1, "fat contents" should be "a fat content," and "halves of those of" should be "half of that present in". In claim 1, line 2, a comma should be added after "products" and cancelled after "protein". In claims 2 and 9, line 2, "contents" should be singular. In claim 3, "soy-bean" should be "soybean" and "rape-seed" should be, "rapeseed". In claims 7 and 10, "sausages of" (line 2) should be cancelled, ~~a~~"bacons" should be singular and "hamburg" should be "hamburger". In claim 8, "use" should be cancelled and~~a~~"administration of" should be~~a~~"administering". In claims 9 and 10, line 1, "use ... products" should be "method".

Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1761

There is no antecedent basis in claim 2 for "fatty - acid composition (%) of lipids" (claim 4, lines 1-2). Claims 7 and 10 contain improper Markush language in failing to recite "selected ~~from~~ the group consisting of" after "are" (line 2). Further, claims 7 and 10 are indefinite in reciting the meaningless expression "and the like" and are indefinite as to scope in reciting a genus, "such delicatessen as", and species thereof, "Gyoza and Shumai", in a single claim.

Corrections are required without new matter.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Giese.

Giese discloses low-fat ground meat products, having less than half of the fat of conventional meat products, containing 2% soy protein isolate, and soybean oil which partially replaces ~~beef~~ fat and lowers plasma cholesterol (pages 100, 103 and Table 1). The fatty acids claimed in claim 4 are ^{natural} inherently present in soybean oil.

Art Unit: 1761.

8. Claims 1, 5, 6, 7/1, 7/5, 7/6, 8 and 10/8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bonkowski.

Bonkowski discloses low fat, ground meat products containing about 4% soy protein isolate and possessing cholesterol lowering properties.

9. Claims 2-4, 7/2-7/4, 9 and 10/9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonkowski in view of Helmer et al.

It would have been obvious to replace part of the animal fat in Bonkowski's meat products with soybean oil since soybean oil is used for this purpose, as evidenced by Helmer et al (col. 5, lines 53-60).

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stewart, both Payne et al patents, Sato et al and Terrell show various low-fat meat products containing soy protein.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Corbin whose telephone number is (703) 308-3850. The examiner can normally be reached on Monday - Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lacey, can be reached on (703) 308-3535. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3602.

Art Unit: 1761

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 309-0661.

Arthur Corbin/om
March 31, 1999



ARTHUR L. CORBIN
PRIMARY EXAMINER

4-1-99